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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,364	10/17/2005	Hiroshi Ichigaya	101539.55851US	1387

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EXAMINER
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GREENE, JASON M

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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04/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/522,364	<b>Applicant(s)</b> ICHIGAYA, HIROSHI	
	<b>Examiner</b> Jason M. Greene	<b>Art Unit</b> 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/25/05</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 25 January 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, copies of the three foreign patents cited in the IDS were not provided. However, since the documents were readily available to the Examiner, they have been considered and made of record on the attached form PTO 892.

### ***Specification***

2. The Examiner suggests Applicants delete the references to the claims in pages 2-5 of the specification since the claim language can and does change during the course of prosecution.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6, as it depends from claims 2 and 3, 7-11, 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinmeier (US 6,546,578 B1).

Steinmeier discloses a dehumidifier air passage to be used in a dehumidifier comprising a moisture transmittable member (22) provided at a side to be in contact with a living thing (person) and a nearly flat spacer (4) for supporting the moisture transmittable member and for securing a space through which air flows, the dehumidifier carrying off the moisture transmitted into the space through the moisture transmittable member from the surface of the living thing by means of air flowing through the space, wherein the spacer (4) has a nearly flat base (6) and a plurality of projections (8) and comprises a molded foamed plastic material, and the dehumidifier air passage has a meshed force distributing means (20) for distributing and applying a force applied from the living thing to the spacer, the force distributing means being provided between the moisture transmittable member (22) and the spacer, wherein the spacer comprises a plastic film (6) having a plurality of molded depressions (8) and a pressure resistive material in (forming) the depressions, wherein the plurality of projections are joined onto the base, wherein the force distribution means is formed into

one body together with the moisture transmittable member, wherein the force distributing means is joined to the plurality of projections, wherein each of the projections is formed so that the face of it facing the moisture transmittable member is at most 50% in area of the face being in contact with the base, wherein the moisture transmittable mat has a thermal insulation ability and the air content of the moisture transmittable mat is at least 0.05 cc per 1 cm<sup>2</sup> in a plane perpendicular to the direction of thickness of the spacer in Figs. 1 and 2 and col. 1, line 56 to col. 4, line 21.

5. Claims 2-3, 6, as it depends from claims 2 and 3, 10, 11, 13 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Law (US 5,411,318).

Law discloses a dehumidifier air passage to be used in a dehumidifier comprising a moisture transmittable member (52,54) provided at a side to be in contact with a living thing (person) and a nearly flat spacer (94) for supporting the moisture transmittable member and for securing a space through which air flows, the dehumidifier carrying off the moisture transmitted into the space through the moisture transmittable member from the surface of the living thing by means of air flowing through the space, wherein the spacer has a nearly flat base (94) and a plurality of projections (92) and comprises a molded foamed plastic material, wherein the spacer comprises a plastic film (94) having a plurality of molded depressions (95) and a pressure resistive material in (forming) the depressions, wherein the plurality of projections are joined onto the base, wherein each of the projections is formed so that the face of it facing the moisture transmittable member is at most 50% in area of the face being in contact with the base, wherein the

moisture transmittable mat has a thermal insulation ability and the air content of the moisture transmittable mat is at least 0.05 cc per 1 cm<sup>2</sup> in a plane perpendicular to the direction of thickness of the spacer, and wherein a cushion material (66) is provided under the spacer in Figs. 1-6 and col. 2, line 59 to col. 4, line 45.

6. Claims 4, 5 and 6 as it depends from claim 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gioello (US 5,515,543).

Gioello discloses a dehumidifier air passage to be used in a dehumidifier, including for dehumidifying clothes, comprising a moisture transmittable member (12) provided at a side to be in contact with a living thing (person) and a nearly flat spacer (ribs 14,18) for supporting the moisture transmittable member and for securing a space (channels 16,20) through which air flows, the dehumidifier carrying off the moisture transmitted into the spaces through the moisture transmittable member from the surface of the living thing by means of air flowing through the space, wherein the spacer is a molded (foam) meshed member, and wherein a force distributing means (24) for distributing and applying a force applied from the living thing to the spacer, the force distribution being provided between the moisture transmittable member and the spacer (18) in Figs. 1-4 and col. 4, line 14 to col. 6, line 64.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 7-9, 14, and 15 as it depends from claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law (US 5,411,318) in view of Steinmeier (US 6,546,578 B1).

Law does not disclose the dehumidifier comprising a force distributing means being provided between the moisture transmittable member and the spacer, but Steinmeier discloses a similar dehumidifier having a force distributing means (20) provided between the moisture transmittable member (22) and the spacer (4) in Figs. 1 and 2 and col. 1, line 56 to col. 4, line 21.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the combined force distributing means and moisture transmittable member of Steinmeier for the moisture transmittable canning mesh of Law to provide a more comfortable (e.g. leather or textile upholstery) seating surface, as suggested by Steinmeier in col. 3, lines 56-59.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinmeier (US 6,546,578 B1).

Steinmeier differs from the claim in that it does not teach the plurality of projections being rail-shaped.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the projections as rails instead of tubes in that changing shapes is merely a choice of design. See *In re Dailey et al.*, 149 USPQ 47. It is noted that one of ordinary skill in the art would readily recognize that the through holes (12) of Steinmeier could be easily incorporated into rail shaped projections.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Callerio, Kim et al., Hartwich et al., Cremer et al., Graebe, Horn, Ichigaya '938, Ichigaya '987, Ichigaya '592 and Ichigaya '273 references disclose similar dehumidifiers.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason M. Greene  
Primary Examiner  
Art Unit 1797

/Jason M. Greene/  
4/24/08

jmg  
April 24, 2008